

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

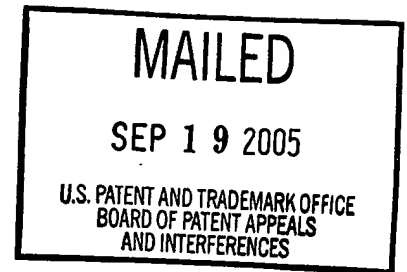
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
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Ex parte ALEC MILOSLAVSKY  
\_\_\_\_\_

Application No. 08/948,530  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
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This application was received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the Examiner's Answer, mailed June 23, 2004, reveals an inconsistency between the headings entitled, "Prior Art of Record" and "Grounds of Rejection." Under the heading "Grounds of Rejection," the examiner identifies five references,

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Ginsberg (6,064,730), Becker (6,366,575), Bateman (5,884,032), Andrews (5,848,143) and Becker (6,044,144) to support the rejections of claims 6-9 and 14-16 under 35 USC § 103(a).

However, two of references, which include Bateman (5,884,032) and Becker (6,044,144), were not cited as being relied upon under the heading of Prior Art of Record. It should be noted that only those references relied on to sustain the rejection should appear under the heading Prior Art of Record.

Accordingly, it is

**ORDERED** that the application is returned to the examiner for inclusion of the reference, Bateman (5,884,032) and Becker (6,044,144), under the heading of "Prior Art of Record," remailing of the corrected Examiner's Answer and any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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Application No. 08/948,530

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